

No. —. *EX PARTE E. R. LINDSEY*. April 22, 1940.  
Application denied.

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No. 499. *FEDERAL COMMUNICATIONS COMMISSION v. SANDERS BROTHERS RADIO STATION*. April 22, 1940. The opinion in this case is amended by inserting the word "financially" between the words "be" and "injured," in the last line on page 5, and by striking from the opinion the first full sentence, beginning "In" and ending "remedy," on page 6. The petition for rehearing is denied.

Opinion reported as amended, *ante*, p. 470.

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DECISIONS GRANTING CERTIORARI, FROM  
JANUARY 16, 1940, THROUGH APRIL 22, 1940.

No. 582. *PUERTO RICO v. RUBERT HERMANOS, INC.* January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. William Cattron Rigby, Nathan R. Margold, and George A. Malcolm* for petitioner. *Mr. Henri Brown* for respondent. By leave of Court, *Solicitor General Jackson* filed a brief on behalf of the United States, as *amicus curiae*, in support of the petition. Reported below: 106 F. 2d 754.

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No. 587. *UNITED STATES v. CITY AND COUNTY OF SAN FRANCISCO*. January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Jackson* for the United States. *Messrs. John J. O'Toole, Dion R. Holm, Robert M. Searls, and Garret W. McEnerney* for respondent. Reported below: 106 F. 2d 569.

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No. 595. *KERSH LAKE DRAINAGE DISTRICT ET AL. v. JOHNSON*. January 29, 1940. Petition for writ of

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certiorari to the Supreme Court of Arkansas granted. *Mr. George B. Rose* for petitioners. *Messrs. Charles T. Coleman and Walter G. Riddick* for respondent. Reported below: 198 Ark. 743; 131 S. W. 2d 620; 132 S. W. 2d 658.

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No. 579. UNION JOINT STOCK LAND BANK OF DETROIT *v.* BYERLY. January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs A. G. Masters and Ralph G. Martin* for petitioner. *Messrs. Elmer McClain and William Lemke* for respondent. Reported below: 106 F. 2d 576.

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No. 597. WESTERN UNION TELEGRAPH CO. *v.* NESTER ET AL., COPARTNERS. January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Francis R. Stark, Alfred Sutro, Oscar Lawler, and Francis R. Kirkham* for petitioner. *Mr. Earl C. Demoss* for respondents. Reported below: 106 F. 2d 587.

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No. 593. PERKINS, SECRETARY, ET AL. *v.* LUKENS STEEL CO. ET AL. February 5, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Solicitor General Jackson* for petitioners. *Messrs. William Clarke Mason, O. Max Gardner, Frederick H. Knight, Harold F. McGuire, and Roberts B. Thomas* for respondents. Reported below: 70 App. D. C. 354; 107 F. 2d 627.

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No. 613. UNITED STATES *v.* GEORGE S. BUSH & Co. February 5, 1940. Petition for writ of certiorari to the Court of Customs and Patent Appeals granted. *Solicitor*

*General Jackson* for the United States. *Mr. George R. Tuttle* for respondent. Reported below: 27 C. C. P. A. (Customs) —; 104 F. 2d 368.

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No. 426. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. LEONARD*. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. J. Donald Duncan* and *James B. Alley* for respondent. Reported below: 105 F. 2d 900.

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No. 427. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. FULLER*. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. Lucius F. Robinson* for respondent. Reported below: 105 F. 2d 903.

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No. 632. *CANTWELL ET AL. v. CONNECTICUT*. See *ante*, p. 626.

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No. 638. *APEX HOSIERY CO. v. LEADER ET AL.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Sylvan H. Hirsch, Allen J. Levin, Arno P. Mowitz,* and *Stanley Folz* for petitioner. *Messrs. Isadore Katz* and *A. J. Nydick* for respondents. Reported below: 108 F. 2d 71.

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No. 662. *DAMPSKIBSSELSKABET DANNEBROG ET AL. v. SIGNAL OIL & GAS CO.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Lane Summers, W. H.*

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*Hayden*, and *F. T. Merritt* for petitioners. *Mr. Glenn J. Fairbrook* for respondent. Reported below: 106 F. 2d 896.

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No. 671. *SONTAG CHAIN STORES CO. v. NATIONAL NUT CO.* March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Wm. Nevarre Cromwell, Frank H. Towner*, and *Guy A. Gladson* for petitioner. *Messrs. Hugh N. Orr* and *Charles S. Evans* for respondent. Reported below: 107 F. 2d 318.

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No. 682. *ANDERSON v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 683. *PRICHARD v. SAME.* March 4, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Mr. Chas. H. Garnett* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Richard H. Demuth* for respondent. Reported below: 107 F. 2d 459.

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No. 690. *MINERSVILLE SCHOOL DISTRICT ET AL. v. GOBITIS.* March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Joseph W. Henderson, Thomas F. Mount*, and *George M. Brodhead, Jr.* for petitioners. *Messrs. Hayden C. Covington* and *Joseph F. Rutherford* for respondent. Reported below: 108 F. 2d 683.

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No. 643. *WARREN ET AL. v. PALMER ET AL.* March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Erwin N. Griswold, John Noble, Jr.*, and *Paul E. Troy* for

petitioners. *Mr. Hermon J. Wells* for respondents. Reported below: 108 F. 2d 164.

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No. 674. UNITED STATES *v.* APPALACHIAN ELECTRIC POWER Co. March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. The CHIEF JUSTICE took no part in the consideration and decision of this application. *Solicitor General Biddle* and *Mr. David W. Robinson, Jr.* for the United States. *Messrs. Raymond T. Jackson, A. Henry Mosle, Hugo Kohlmann, and John L. Abbot* for respondent. Reported below: 107 F. 2d 769.

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No. 634. CANTY *v.* ALABAMA. See *ante*, p. 629.

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No. 664. AMERICAN MANUFACTURING Co. *v.* NATIONAL LABOR RELATIONS BOARD. See *ante*, p. 629.

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No. 681. RAILROAD COMMISSION OF TEXAS ET AL. *v.* ROWAN & NICHOLS OIL Co. March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Gerald C. Mann*, Attorney General of Texas, and *W. F. Moore*, First Assistant Attorney General, for petitioners. *Messrs. Dan Moody and Rice M. Tilley* for respondent. Reported below: 107 F. 2d 70.

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No. 87. WHITE *v.* TEXAS. See *ante*, p. 631.

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No. 698. FRAME *v.* HUDSPETH, WARDEN. See *ante*, p. 632.

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No. 463. *BERGER, RECEIVER, v. CHASE NATIONAL BANK*;

No. 464. *SCHRAM, RECEIVER, v. SAME*;

No. 465. *WARDELL, RECEIVER, v. SAME*;

No. 466. *YOUNG, SUCCESSOR TO HARDEE, RECEIVER, v. SAME*; and

No. 467. *FEUCHT ET AL., LIQUIDATING TRUSTEES, v. SAME*. See *ante*, p. 632.

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No. 584. *CRANE-JOHNSON CO. v. COMMISSIONER OF INTERNAL REVENUE*. See *post*, p. 692.

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No. 675. *UNITED STATES v. STEWART*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Biddle* for the United States. *Messrs. W. Glenn Harmon, Ernest L. Wilkinson, and John W. Cragun* for respondent. Reported below: 106 F. 2d 405.

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No. 705. *UNITED STATES v. DICKERSON*. March 25, 1940. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Biddle* for the United States. *Messrs. Herman J. Galloway, George R. Shields, John W. Gaskins, and Fred W. Shields* for respondent. Reported below: 89 Ct. Cls. 520.

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No. 715. *UNITED STATES v. SUMMERLIN, ANCILLARY ADMINISTRATRIX*. March 25, 1940. Petition for writ of certiorari to the Supreme Court of Florida granted. *Solicitor General Biddle* for the United States. *Mr. Asbury Summerlin* for respondent. Reported below: 140 Fla. 475; 191 So. 842.

No. 650. *SCHRIBER-SCHROTH Co. v. CLEVELAND TRUST Co. ET AL.*;

No. 651. *ABERDEEN MOTOR SUPPLY Co. v. SAME*; and

No. 652. *F. E. ROWE SALES Co. v. SAME*. March 25, 1940. Motion to consider the petition for writs of certiorari on a reduced number of copies of the record, and petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit, granted. MR. JUSTICE ROBERTS took no part in the consideration and decision of these applications. *Messrs. John H. Bruninga and John H. Sutherland* for petitioners. *Messrs. Arthur C. Denison, F. O. Richey, Wm. C. McCoy, and Milton Tibbetts* for respondents. Reported below: 108 F. 2d 109.

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No. 733. *DECKERT ET AL. v. INDEPENDENCE SHARES CORP. ET AL.*; and

No. 734. *SAME v. PENNSYLVANIA COMPANY FOR INSURANCE ON LIVES AND GRANTING ANNUITIES*. March 25, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Harry Shapiro* for petitioners. *Messrs. Frank Rogers Donahue, George M. Kevlin, and Robert F. Irwin, Jr.* for Independence Shares Corp. et al.; and *Mr. Walter Biddle Saul* for the Pennsylvania Co.,—respondents. Reported below: 108 F. 2d 51.

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No. 752. *BORCHARD ET AL. v. CALIFORNIA BANK ET AL.* April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. William Lemke and Lloyd S. Nix* for petitioners. *Messrs. Thomas W. Henderson, Jr. and Chas. E. Donnelly* for respondents. Reported below: 107 F. 2d 96.

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No. 770. MILK WAGON DRIVERS UNION LOCAL 753 ET AL. *v.* LAKE VALLEY FARM PRODUCTS, INC., ET AL. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Abraham W. Brussell and David A. Riskind* for petitioners. *Mr. Arthur R. Seelig* for respondents. Reported below: 108 F. 2d 436.

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No. 796. SECURITIES & EXCHANGE COMMISSION *v.* UNITED STATES REALTY & IMPROVEMENT Co. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle and Mr. Chester T. Lane* for petitioner. *Messrs. Joseph M. Hartfield and Charles W. Dibbell* for respondent. Reported below: 108 F. 2d 794.

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No. 732. INTERNATIONAL ASSOCIATION OF MACHINISTS, TOOL AND DIE MAKERS LODGE No. 35 *v.* NATIONAL LABOR RELATIONS BOARD. April 1, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Mr. Joseph A. Padway* for petitioners. *Solicitor General Biddle and Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, and Laurence A. Knapp* for respondent. Reported below: 110 F. 2d 29.

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No. 767. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* WOOD ET AL., TRUSTEES. See *ante*, p. 637.

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No. 759. BRIDGES *v.* CALIFORNIA. April 8, 1940. Petition for writ of certiorari to the Supreme Court of California granted. *Mr. A. L. Wirin* for petitioner. *Messrs. Wm. B. McKesson, Allen W. Ashburn, and Michael G. Luddy* for respondent. By leave of Court, briefs of *amici*



*curiae* were filed by *Mr. Osmond K. Fraenkel*, on behalf of the American Civil Liberties Union; and by *Messrs. Harry Graham Balter, Carey McWilliams, Ellis E. Patterson, and George Bodle*, on behalf of the National Lawyers Guild, Los Angeles Chapter,—in support of the petition. Reported below: 14 Cal. 2d 464; 94 P. 2d 983.

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No. 783. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. HORST*. April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. Harry H. Wiggins* for respondent. Reported below: 107 F. 2d 906.

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No. 799. *SIBBACH v. WILSON & Co.* April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Lambert Kaspers and Royal W. Irwin* for petitioner. *Mr. J. F. Dammann* for respondent. Reported below: 108 F. 2d 415.

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No. 813. *MONTGOMERY WARD & Co. v. DUNCAN*. April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. J. Merrick Moore* for petitioner. *Messrs. Edward H. Coulter and Kenneth W. Coulter* for respondent. Reported below: 108 F. 2d 848.

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No. 822. *WASHINGTON EX REL. COLUMBIA BROADCASTING Co. v. SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY ET AL.* See *ante*, p. 638.

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No. 768. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. CENTER INVESTMENT Co.* See *ante*, p. 639.

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No. 818. SMITH *v.* TEXAS. April 22, 1940. Motion for leave to proceed further *in forma pauperis*, and petition for writ of certiorari to the Court of Criminal Appeals of Texas, granted. *Mr. William A. Vinson* for petitioner. Reported below: 139 Tex. Crim. —; 136 S. W. 2d 842.

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No. 726. FLEISHER ENGINEERING & CONSTRUCTION CO. ET AL. *v.* UNITED STATES FOR THE USE AND BENEFIT OF HALLENBECK. See *post*, p. 693.

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No. 778. WILSON & Co., INC. *v.* UNITED STATES;

No. 779. WILSON & Co., INC., OF KANSAS *v.* SAME;  
and

No. 780. T. M. SINCLAIR & Co. *v.* SAME. April 22, 1940. Petition for writs of certiorari to the Court of Claims granted. *Messrs. J. Harry Covington, Dean G. Acheson, and Paul E. Shorb* for petitioners. *Solicitor General Biddle, Assistant Attorney Clark, and Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 90 Ct. Cls. 131; 30 F. Supp. 672.

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No. 789. NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY *v.* BROWNING ET AL., CONSTITUTING THE STATE BOARD OF EQUALIZATION. April 22, 1940. Petition for writ of certiorari to the Supreme Court of Tennessee granted. *Messrs. Wm. H. Swiggart and Edwin F. Hunt* for petitioner. *Mr. W. F. Barry* for respondents. Reported below: 176 Tenn.—; 140 S. W. 2d 781.

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No. 814. AMERICAN UNITED MUTUAL LIFE INSURANCE CO. *v.* CITY OF AVON PARK, FLORIDA. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Giles J.*

*Patterson* for petitioner. *Mr. Robert J. Pleus* for respondent. Reported below: 108 F. 2d 1010.

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No. 815. FIDELITY UNION TRUST CO. ET AL., EXECUTORS, ET AL. *v.* FIELD. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Francis F. Welsh* for petitioners. *Mr. Russell C. MacFall* for respondent. Reported below: 108 F. 2d 521.

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No. 774. BACARDI CORPORATION *v.* BONET, TREASURER, ET AL. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Edward S. Rogers, Thomas Hunt, Jerome L. Isaacs, Karl D. Loos, and Preston B. Kavanagh* for petitioner. *Messrs. William Cattron Rigby, George A. Malcolm*, Attorney General of Puerto Rico, and *Nathan R. Margold* for Bonet, Treasurer; and *Mr. David A. Buckley, Jr.* for Destileria Serralles, Inc.,—respondents. Reported below: 109 F. 2d 57.

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No. 782. WEST INDIA OIL Co. (Puerto Rico) *v.* BONET, TREASURER OF PUERTO RICO. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. James R. Beverley* for petitioner. *Messrs. William Cattron Rigby, George A. Malcolm*, Attorney General of Puerto Rico, and *Nathan R. Margold* for respondent. Reported below: 108 F. 2d 144.

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No. 803. HANSBERRY ET AL. *v.* LEE ET AL. April 22, 1940. Petition for writ of certiorari to the Supreme Court of Illinois granted. *Mr. Earl B. Dickerson* for

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petitioners. *Messrs. Angus Roy Shannon and William C. Graves* for respondents. Reported below: 372 Ill. 369; 24 N. E. 2d 37.

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No. 825. *L. SINGER & SONS ET AL. v. UNION PACIFIC RAILROAD Co.*; and

No. 826. *KANSAS CITY, MISSOURI, v. L. SINGER & SONS ET AL.* April 22, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. John M. Cleary* for petitioners. *Mr. Henry N. Ess* for Union Pacific Railroad Co., respondent. Reported below: 109 F. 2d 493.

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No. 581. *PALMER ET AL., TRUSTEES, v. CONNECTICUT RAILWAY & LIGHTING Co.* April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. James Garfield and Hermon J. Wells* for petitioners. *Mr. George W. Martin* for respondent. Reported below: 109 F. 2d 568.

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#### DECISIONS DENYING CERTIORARI, FROM JANUARY 16, 1940, THROUGH APRIL 22, 1940.

No. 605. *MILAR v. BURLEIGH, EXECUTRIX, ET AL.* January 29, 1940. Petition for writ of certiorari to the Supreme Court of Ohio, and motion for leave to proceed further *in forma pauperis*, denied. *Anna May Milar, pro se.* Reported below: 135 Ohio St. 587; 21 N. E. 2d 677.

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No. 617. *STEWART v. ST. SURE, U. S. DISTRICT JUDGE.* January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, de-